
**CITY OF TEMPE
HEARING OFFICER**

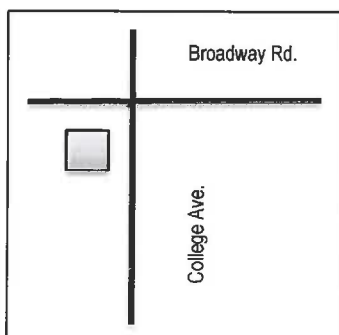
**Meeting Date: 09/04/2018
Agenda Item: 2**

ACTION: Request approval to abate public nuisance items at the Bankhead Property located at 1736 S. El Camino Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1872.00 for abatement request, removal of junk and debris in the front and side yards.

RECOMMENDATION: Staff – Approval of 180 day open abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the BANKHEAD PROPERTY. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE183409: removal of junk and debris in the front and side yards.



Property Owner	James Alan Bankhead
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6, Single Family Residential
Code Compliance Inspector:	Julie Scofield, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Barbara Simons, Code Inspector
Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Bankhead Property located at 1736 S. El Camino Drive, in the R1-6, Single Family Residential district. This case was initiated 06/01/2018, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180 day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

DATE: 07/20/2018
TO: Jeff Tamulevich, Code Administrator
FROM: Julie Scofield
SUBJECT: Bankhead Property Abatement

LOCATION: 1736 S. El Camino Dr. Tempe, AZ 85281

PARCEL: 133-15-013

OWNER: James Alan Bankhead
1736 S. El. Camino Dr.
Tempe, AZ 85281

FINDINGS:

07/27/2017 Complaint came into Neighborhood Enhancement (CE175926) for this property regarding a dead tree and junk and debris in the front of the property. The property was inspected. There is a dead tree in the front yard landscape and items outside in the front such as trash, bike parts, containers, pet cages, wood, and miscellaneous items. A notice was mailed to the owner, James Bankhead.

08/29/2017 The property was inspected again, and the tree has not been cut down or removed. The junk and debris are still in the front yard as well. A final notice was mailed to the owner.

10/05/2017 Inspected the property and there has been no change to the front of the property.

10/12/2017 Inspected the property and there has been no change to the property. Issued a citation for the tree and the junk and debris. Pictures were taken the same day the citation was issued.

11/17/2017 There has been no change to the condition of the property. The citation that was issued has gone to collections. A bid has been requested for the cutting down of the dead tree and removing the items in the front yard. The abatement hearing is set for January 16th, 2018.

01/16/2018 The abatement of this property was approved for 180 days.

06/01/2018 Complaint came into Neighborhood Enhancement under CE183409 for junk and debris. The property was inspected. There were items in the front and side of the property including furniture, cloth items, bike parts, trash, and miscellaneous items. A notice was mailed to the owner James Bankhead.

06/27/2018 Reinspected the property and the items are still being stored in the front/side of the property. Mailing a final notice to the owner.

07/13/2018 There has been no change to the property. Requested a bid to abate the property and issued the \$75.00 reinspection fee to the owner. The abatement hearing is set to be September 4th, 2018.

07/20/2018 The bid came in for \$1872.00 to clean up the property. Abatement paperwork was turned in and the notice of abatement was mailed and posted.

RECOMMENDATIONS:

I am recommending the approval for the abatement at 1736 S. El Camino Dr. The property is owned by James Alan Bankhead. The owner has been given ample time and opportunities to bring this property into compliance and has failed to take any corrective action. I am also requesting the 180-day open abatement in the event the property once again comes into non-compliance. History of this property shows that citations have been issued and ignored, as well as an abatement that was approved previously for the same code violation.

Respectfully submitted,

Julie Scofield

ACTION TAKEN:

NAME

DATE:

SUBMIT
Julie Scofield
7 20 18

CASE # CE183409



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 07/20/2018

JAMES BANKHEAD
1736 S. EL CAMINO DR.
TEMPE, AZ 85281

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

Legal: UNIVERSITY TERRACE
Location: 1736 S. EL CAMINO DR. TEMPE, AZ 85281
Parcel: 133-15-013

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of **09/04/2018**. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

Violation of City of Tempe Code 21-3-B-1

Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

1. REMOVE AND PROPERLY DISCARD STORED ITEMS IN THE FRONT OF THE PROPERTY.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process.

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be **\$1872.00**. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480) 350-8372.

Code Inspector: Julie Scofield

Phone Number: (480)350-8951

E-mail: julie_scofield@tempe.gov

HAMANN ENTERPRISES, LLC

4001 W CAMELBACK RD C30

PHOENIX, AZ 85019

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: JULIE SCOFIELD

FIRM: CITY OF TEMPE

DATE: 7/19/18

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # T18-011-03

ADDRESS: 1736 S EL CAMINO DR

1 REMOVAL OF JUNK AND DEBRIS IN FRONT/SIDE YARD	\$1,120.00
2 ESTAMATED DUMP FEES	\$200.00
3 SECURITY BY TEMPE POLICE	\$552.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$1,872.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN



Code Compliance Reinspection Fee Invoice

A re-inspection fee of \$75.00 has been assessed to the property owner and/or tenant of the address listed below for having two (2) or more of the same violation within a 365-day period.

Date of Issuance: 7/13/2018

Current Case Number: CE183409

2nd Case Number: CE175926

Nuisance Code Violation: CC 21-3.b.1 - Filthy, littered, debris or trash-covered exterior areas

Site Address: 1736 S EL CAMINO DR

Tenant Information:

Name: _____

Residence Address: 1736 S EL CAMINO DR

Total Amount Due: \$75.00

(Failure to pay in 30-days will result in fee being sent to collections)

Make check payable to City of Tempe and mail to:

City of Tempe / Code Compliance
PO Box 5002
Tempe AZ 85280

Credit card payments by phone (480) 350-4311

You will need your CE number, address and payment information when you call

City of Tempe / Code Compliance
21 East 6th St., Suite #208
Tempe, AZ 85281

Sec. 21-51. Collection of civil sanction, reinspection fees.

(b) Any person who neglects, fails or refuses to correct the violations contained within a notice to comply or other similar device issued pursuant to this chapter may be assessed a reinspection fee for inspections which occur after the compliance date. The fee for these reinspections shall be set by resolution of the city council. Failure to pay reinspection fees within fourteen (14) days of assessment is a violation of this section. Reinspection fees may be collected as a lien against the real property where the violation occurred in accordance with §21-53.



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

06/01/18

BANKHEAD JAMES ALAN
1736 S EL CAMINO DR
TEMPE, AZ 85281-6623

Case#: CE183409

Site Address: 1736 S. EL CAMINO DR. TEMPE, AZ 85281

SITE REINSPECTION ON OR AFTER: 06/15/2018

This is a notice to inform you that this site was inspected on 06/01/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

VIOLATION SECTION:

Violation of City of Tempe Code 21-3-B-1

Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE REMOVE AND OR PROPERLY DISCARD THE ITEMS IN THE FRONT AND OR SIDES OF THE PROPERTY. THIS INCLUDES THE BIKE PIECES, METAL, CLOTH ITEMS, SLEEPING BAGS, HOUSEHOLD ITEMS, AND ANY OTHER MISCELLANEOUS ITEMS.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
Code Compliance: 480-350-8372
julie_scofield@tempe.gov

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE**

06/27/2018

BANKHEAD JAMES ALAN
1736 S EL CAMINO DR
TEMPE, AZ 85281-6623

Case#: CE183409

Site Address: 1736 S. EL CAMINO DR. TEMPE, AZ 85281

SITE REINSPECTION ON OR AFTER: 07/12/2018

This is a notice to inform you that this site was inspected on 06/27/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

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Julie Scofield
Code Inspector II
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Direct: 480-350-8951
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